

Summary of Efforts by Congressman Young to Address Local Community Concerns with the Sealaska Bill

The Sealaska bill was originally introduced by Congressman Don Young during the 110th Congress, in November 2007. Several Southeast Alaska communities raised concerns with respect to this original bill.

When Congressman Young reintroduced the Sealaska bill during the 111th Congress, he made several important modifications to the legislation. Specifically, at the request of local communities, the revised House bill in the 111th Congress:

- Modified the land pool that would be available to Sealaska for economic selections, including removing lands within the Port Protection watershed, around Point Baker, on northern Tuxekan Island, on Kosciusko Island, and in a number of other areas to address concerns regarding public beach access and access for subsistence hunting and boat anchorages;
- Granted unprecedented public use and access for subsistence and recreation on all economic development lands conveyed under the bill – this was an exceedingly difficult concession for Sealaska to make and went well beyond ANCSA;
- Removed the right of use and access for Sealaska to lands within a 15-mile radius of Native futures sites without a “special use” permit from the U.S. Forest Service; and
- Removed several Native futures sites (smaller parcels that could be used for renewable energy development or cultural tourism) from the bill.

When Congressman Young reintroduced the Sealaska bill in the 112th Congress, he again amended the Sealaska bill to address outstanding community concerns. At the request of local communities, the revised House bill in the 112th Congress:

- Dropped lands proposed for conveyance to Sealaska on northeastern Prince of Wales Island near Red Bay (this also was done to address concerns regarding the impact of Sealaska selections on Forest Service timber sales);
- Dropped additional lands on Kosciusko Island and Tuxekan Island for beach buffers, wind buffers, buffers around private inholdings, fishermen drags and harbors, and high use subsistence areas;
- Moved selection areas further away from the community of Edna Bay;
- Dropped an additional 17 Native futures sites (leaving just 30 of the sites in the bill) due to concerns that such sites are often used today by the public;
- Amended the bill to protect local guide permits for an additional ten years (even though existing permits are already preserved for the full term of such permits under Section 14(g) of ANCSA) on lands that would be conveyed to Sealaska;
- Clarified that the conveyance of Native sacred sites is subject to existing rules (federal regulations) applicable to the selection of sacred sites under ANCSA;
- Clarified that all lands selected by Sealaska are subject to the designation of ANCSA Section 17(b) public easements (this provision was already in the bill, but several local community members expressed concern that the language was not clear enough);
- Provided that the conveyances of Native future sites, which are subject to development restrictions, are further subject to an easement for public access across such lands in addition to public access easements that would be granted under Section 17(b) of ANCSA;

- Provided that Native sacred sites could be conveyed subject to an easement for public access across such lands where there is "no reasonable alternative" access, a provision that provides public access rights in addition to the public easements that would be available under Section 17(b) of ANCSA;
- Restricted "site improvement" activities on sacred sites selected by Sealaska (for example, construction of a traditional longhouse) so that such activities must not be inconsistent with management plans for adjacent public lands; and
- Revised language that allows Native Corporations to work with the Secretary of Agriculture under the Tribal Forest Protection Act to address fire hazards and spruce bark beetle infestations that threaten the health of Native forestland, and language that allows Native Corporations, as owners of Indian cemetery sites and historical places in Alaska, to work with the Secretary of the Interior to secure support under the National Historic Preservation Act to manage their own historic sites and programs – the revised bill language states explicitly that these amendments do not create Indian country and do not validate, invalidate, or otherwise affect any claim regarding the existence of Indian country in Alaska.